UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SINGULAR COMPUTING LLC,	Civil Action No. 1:19-cv-12551-FDS
Plaintiff,	Hon. F. Dennis Saylor IV
v.	
GOOGLE LLC,	
Defendant.	

PLAINTIFF'S MOTION TO COMPEL

Google recently advised Singular that it is replacing one of its trial witnesses with two new witnesses, including a senior finance manager, Matthew Mabey. According to Google, Mr. Mabey will testify about the "deployment, use, and cost of TPUs in Google's datacenters and to support the Cloud TPU product." At his deposition, Singular questioned Mr. Mabey about one of the few produced documents he authored, which was a report recommending to Google's Machine Learning Steering Committee that Google continue to build tensor processing units ("TPUs") like the Accused Products rather than buy graphics processing units ("GPUs") from Nvidia. The comparison of those two alternatives is the focus of the Parties' damages experts. During his deposition, Mr. Mabey could not recall a hyperlinked document cited in the document he authored. In the document he authored, Maybe relied on the hyperlinked document to state in his report that TPUs provide "substantial gains" over GPUs. Google has summarily rejected Singular's requests that it either produce or identify by bates number the hyperlinked document. To ensure that Singular is not prejudiced by Google's late identification of Mr. Mabey as a trial witness, Singular respectfully requests that this Court compel Google to produce or identify the hyperlinked document on which Mr. Mabey relied.

In further support of this Motion, Singular relies on its Memorandum of Law filed herewith.

WHEREFORE, Singular respectfully requests that this Court allow this Motion and order Google (1) to produce or identify by bates number the hyperlinked document in Mr. Mabey's report to the Machine Learning Steering Committee, and (2) to stipulate to the identification and authenticity of the document in lieu of a continued deposition.

Dated: December 7, 2023   Respectfully submitted,

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                                           ATTORNEYS FOR THE PLAINTIFF

LOCAL RULE 7.1 CERTIFICATION

I, Daniel McGonagle, counsel for Singular Computing LLC, hereby certify that I conferred with counsel for Google LLC to resolve the issues presented in this motion but, after a good faith attempt to reach agreement, the parties were unable to do so.

/s/ Daniel McGonagle

CERTIFICATE OF SERVICE

I certify that, on December 7, 2023, all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

/s/ Daniel McGonagle